

J.D. Hayworth
U.S. Congress

February 2, 2006

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 FEB 17 P 12:14

Mr. Lawrence Norton
Federal Elections Commission
999 E Street, NW
Washington, D.C. 20463

Dear Mr. Norton:

AOR 2006-07

2006 FEB -9 A 11:35

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

I am writing to seek an advisory opinion from the Federal Election Commission on an issue related to a book I have just published, *Whatever It Takes*.

On my campaign website, www.jdhayworth.com, I am offering the book as a premium to contributors who donate \$50 to my campaign. These books are purchased through the publisher at a deep discount and I receive no royalties on them. I understand from staff at the FEC that such an arrangement is perfectly acceptable.

However, I would like to also offer information for those who want to buy the book but do not want to make a contribution, along the lines of the following:

Also, please keep an eye on this space for upcoming information on book signings (if you don't want to make a contribution, books are available at most bookstores and at Amazon.com and other online bookstores)

Or perhaps:

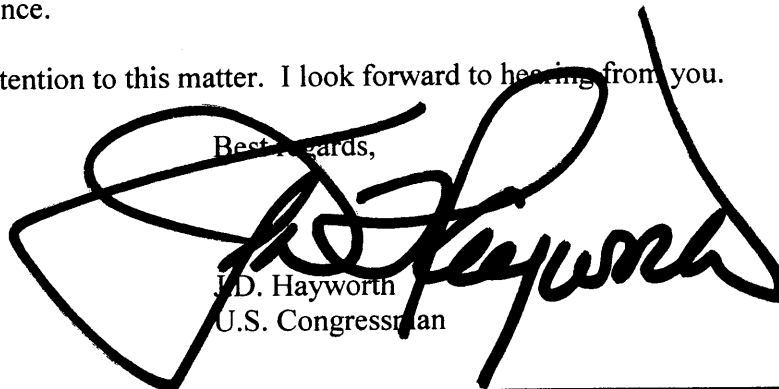
*Order your autographed copy of J.D.'s newest book *Whatever It Takes* for a donation of \$50. Or, [click here](#) to order your copy direct from Amazon.com*

This second example above is identical to language used by Senator John McCain on his Straight Talk America website.

It is my understanding from conversations with FEC staff that such language might constitute using campaign resources for personal gain, since I would receive royalties on any book bought on Amazon or other online bookstore. However, they also indicated that there is no official position from the FEC on this issue. I am therefore asking you to provide me with guidance in this matter at your earliest convenience.

Thank you for your attention to this matter. I look forward to hearing from you.

Best regards,



J.D. Hayworth
U.S. Congressman

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Duane Pugh/FEC/US
02/17/2006 09:28 AM

To electjdhayworth@jdhayworth.com
cc
bcc
Subject Letter dated Feb. 2, 2006, seeking Advisory Opinion

The Hon. J.D. Hayworth
J.D. Hayworth for Congress

Dear Congressman Hayworth:

This email is to confirm my conversation with a Committee representative on February 16, 2006, concerning your request for an advisory opinion about the sale of your book, *Whatever It Takes*, and the J.D. Hayworth for Congress website.

We understand that the use of the planned link from the Committee's website to Amazon.com will not generate any commission to the Committee or to you from Amazon.com, beyond the usual royalties arising from book sales.

We also assume that the costs of adding the link to Amazon.com to the Committee's website will be incidental to website operational costs.

Please contact us if you have any questions or if our understanding of these facts is incorrect.

Thank you.

Sincerely,
J. Duane Pugh Jr.
Senior Attorney
Office of General Counsel
Federal Election Commission
202 694-1607